

DEC 28 2023

U.S. DISTRICT COURT  
W. DISTRICT OF N.C.

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

Asheville Division

Hand-Delivered

Jonathan Daniel Williams

Case No. 1:23-cv-00366-MR-WCM  
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Department of Public Safety - State of North Carolina -  
State Highway Patrol

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Jonathan Daniel Williams
Street Address	4340 Old River Road
City and County	Waynesville, Haywood
State and Zip Code	North Carolina, 28786
Telephone Number	828-208-4725
E-mail Address	jonwilliamslandscapes@gmail.com

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	Department of Public Safety - State of NC - State Highway Patrol
Job or Title <i>(if known)</i>	N/A
Street Address	512 N. Salisbury Street
City and County	Raleigh, Wake
State and Zip Code	North Carolina, 27699-4201
Telephone Number	(919) 710-8885
E-mail Address <i>(if known)</i>	N/A

## Defendant No. 2

Name	Randy L Deaton
Job or Title <i>(if known)</i>	Captain
Street Address	3567 State Highway 19 7N
City and County	Burnsville, Yancey
State and Zip Code	North Carolina, 28714
Telephone Number	(828) 284-2403
E-mail Address <i>(if known)</i>	randy.deaton@ncshp.gov

## Defendant No. 3

Name	Brandon S Smith
Job or Title <i>(if known)</i>	Lieutenant
Street Address	2915 Liner Creek Road
City and County	Clyde, Haywood
State and Zip Code	North Carolina, 28721
Telephone Number	(828) 400-0652
E-mail Address <i>(if known)</i>	brandon.smith@ncshp.gov

## Defendant No. 4

Name	Harold F Stines JR
Job or Title <i>(if known)</i>	Retired NC Highway Patrol Captain
Street Address	797 Hunters Ridge Road
City and County	Canton, Haywood
State and Zip Code	North Carolina, 28716
Telephone Number	(828) 553-0760
E-mail Address <i>(if known)</i>	N/A

Additional Defendants named in the complaint:

Name: Aaron C Ammons

Job or Title: Sergeant

Street Address: 261 Smoky Cove Road

City and County: Whittier, Jackson

State and Zip Code: North Carolina, 28789

Telephone Number: 828-508-1715

Email Address: [aaron.ammons@ncshp.gov](mailto:aaron.ammons@ncshp.gov)

Name: Christopher W Cook

Job or Title: Sergeant

Street Address: 230 Smokeford Road

City and County: Murphy, Cherokee

State and Zip Code: North Carolina, 28906

Telephone Number: 828-735-2953

Email Address: [christopher.cook@ncshp.gov](mailto:christopher.cook@ncshp.gov)

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	Department of Public Safety - State of NC - State Highway Patrol
Street Address	3318 Garner Road
City and County	Raleigh, Wake
State and Zip Code	North Carolina, 27610
Telephone Number	(919) 733-7952

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Other federal law *(specify the federal law)*:



Relevant state law *(specify, if known)*:



Relevant city or county law *(specify, if known)*:



**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

☐

Failure to hire me.

☒

Termination of my employment.

☐

Failure to promote me.

☒

Failure to accommodate my disability.

☐

Unequal terms and conditions of my employment.

☒

Retaliation.

☒

Other acts *(specify)*: Religion, Genetic Information

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
November 19, 2021 - January 24, 2022

C. I believe that defendant(s) *(check one)*:

☒

is/are still committing these acts against me.

☐

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

☐

race

☐

color

☐

gender/sex

☒

religion

see attached

☐

national origin

☐

age (year of birth)

*(only when asserting a claim of age discrimination.)*

☒

disability or perceived disability *(specify disability)*

see attached

E. The facts of my case are as follows. Attach additional pages if needed.

Statement of the Claim:

- 1.) On September 1, 2021, due to a series of gubernatorial mandates, the North Carolina Department of Public Safety issued a policy requiring workers, including North Carolina Highway Patrol troopers, to either be fully vaccinated for Covid-19 or be tested for Covid-19 each week.
- 2.) Thereafter, I began testing for Covid-19 in compliance with this policy.
- 3.) On November 19, 2021, I submitted a Request for Reasonable Accommodation seeking an exemption from the nasal swab Covid-19 testing based on my sincerely held religious (Christian) beliefs.
- 4.) I was informed by my supervisors that I would be okay to work as long as I wore a mask when interacting with the public. They knew I was not going to do Covid-19 nasal swab testing yet they put me back on the road to work and told me to get tested. I told them that I could not agree to the nasal swab testing because it violated my sincerely held religious beliefs but that I would wear a mask. They still sent me out to work my shift with expectations that I could work as long as I wore a mask.
- 5.) The next day, I was told to sign paperwork and surrender my firearm. I was not comfortable signing the paperwork and did not understand all the details. My Captain told me that signing the paperwork was solely for the purpose of acknowledging I received it. He did not read every page to me, gave a brief overall summary, and told me to sign every page. I was placed on Administrative Duty.
- 6.) On December 10, 2021, I met with Internal Affairs and was not denied my request for a Reasonable Accommodation at the time.
- 7.) On December 23, 2021, I received a letter denying my Request for Reasonable Accommodation because saliva testing was an alternative to nasal swab testing and I could conduct the saliva testing without violating my religious beliefs.
- 8.) I informed my supervisors that I was not aware that saliva testing was an approved option and stated that I would begin weekly saliva testing.
- 9.) I began the weekly saliva testing and tested each week to the best of my ability. Due to the availability of saliva testing sites, I tested outside of the weekly testing guidelines once or twice. However, my supervisors were aware of the reason, and I showed them that the locations offering saliva testing were booked making it impossible to get tests on a consistent weekly basis. My tests were done as close to the weekly deadlines as soon as appointments to saliva test were available (they were appointment only) and were mostly completed on time. I made a good faith effort to complete the tests and my supervisors said this was fine.
- 10.) On January 24, 2022, I was fired due to willful violation of known and written work rules.
- 11.) I believe that my termination was motivated by anti-religious animus and that it is retaliation for having engaged in protected activity under Title VII by making a Request for Reasonable Accommodation on November 19, 2021.
- 12.) I believe my accommodation request was reasonable because I used an alternative form of testing (saliva) that did not violate my religious beliefs so as to come into compliance. I also offered to conduct temperature testing as an alternative.
- 13.) I believe my termination was due to retaliation for making a Request for Reasonable Accommodation.

14.) Therefore, I believe I have been discriminated against in violation of Title VII due to my sincere and deeply held religious beliefs because I was not granted my requested accommodation even though it would have presented no undue hardship, my employer did not engage in a truly interactive process regarding my request, and I was retaliated against for engaging in protected activity.

15.) Additionally, I believe my rights under the ADA have been violated, most notably by my employer's not granting my accommodation, not engaging in a truly interactive process regarding my request, and retaliating against me for engaging in protected activity under the ADA. I also believe my employer regarded me as having a disability and discriminated against me on that basis.

16.) Furthermore, I believe my employer violated my rights under GINA by discriminating against me because of my genetic information.

17.) My direct supervisors who participated in carrying these acts out against me are as follows - Harold F. Stines, Randy L Deaton, Brandon S Smith, Aaron C Ammons and Christopher W Cook.



See attachments.

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*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date) 07/21/2022

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) 09/29/2023

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.



(1) Compensation for my time lost (January 24, 2022 - current date). (2) Offer me my job back as a North Carolina State Trooper. (3) Compensation for the unnecessary pain and ridicule.

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/28/2023

Signature of Plaintiff

Printed Name of Plaintiff

  
Jonathan Daniel Williams

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address